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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: LIVAK et al.

Application No.: 09/816,150

Art Unit: 1637

Filed: March 26, 2001

Examiner: Fredman, J.N.

For: IMPROVED INVASION ASSAY

Attorney Docket No.: 9584-018-999
(JD 103639-999017)

STATEMENT OF THE SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.133(b), Applicants submit the following summary of the interview for entry into the record of this application.

First, Applicants wish to thank Examiner Fredman for the courtesy he extended to Max Bachrach and Hoon Choi, attorneys for Applicant, during a personal interview held on March 2, 2005 in connection with the above-captioned patent application.

No exhibits were shown, and no demonstration was conducted, during the interview. All of the pending claims were discussed with regard to prior art of record, particularly with regard to U.S. Patent No. 6,387,621 to Wittwer ("Wittwer"). While the Examiner argued that Wittwer teaches transforming the data and shows an example of non-linear behavior of the data, attorneys for Applicants pointed out that Wittwer does not connect the detection of the target polynucleotide. Consequently, it was agreed that the rejection based on Wittwer cannot be maintained. The Examiner stated that additional searches will be conducted to determine if other art is applicable. Applicants await further action from the Examiner.

No fee is believed to be due for the submission of this statement. If any fees are required for the submission of this paper or to avoid abandonment of this application, please charge such fees to Jones Day Deposit Account No. 503013. A copy of this sheet is enclosed.

Respectfully Submitted,

Date: March 17, 2005

Max Bachrach 45,479
(Reg. No.)
Jones Day

51 Louisiana Avenue, N.W.
Washington, DC 20001-2113
(202) 879-3939

For: Samuel B. Abrams (Reg. No. 30,605)
Jones Day
222 East 41st Street
New York, NY 10017-6702
(212) 326-3939

Enclosure